

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ERNEST LEE COX, Jr.,
Plaintiff,

v.

VASUKI DARAM, et al.,
Defendants.

No. 2:20-cv-01295 KJM DB P

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 18, 2021, the magistrate judge filed findings and recommendations, which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within thirty days. Neither party has filed objections to the findings and recommendations.

The court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court

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1 . . .”). Having reviewed the file, the court finds the findings and recommendations to be
2 supported by the record and by the proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. The findings and recommendations filed August 18, 2021, are adopted in full.

5 2. Defendants’ motion to dismiss for plaintiff’s failure to exhaust his administrative
6 remedies (ECF No. 45) is granted without prejudice to plaintiff’s right to file a new suit on the
7 same grounds.¹

8 3. Plaintiff’s motions for preliminary injunctive relief (ECF Nos. 38, 48) are denied
9 without prejudice to their renewal in a separate action.

10 4. The Clerk of the Court is directed to enter judgment for defendants and close this case.

11 DATED: December 8, 2021.

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14 CHIEF UNITED STATES DISTRICT JUDGE
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28 ¹ Plaintiff has now exercised this right. See ECF Nos. 51 & 55.